

PATENT APPLICATION

**RESPONSE UNDER 37 CFR §1.116
EXPEDITED PROCEDURE
TECHNOLOGY CENTER ART UNIT 1648**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Anna BENSCIK-REYNIER et al.

Group Art Unit: 1648

Application No.: 10/583,891

Examiner: M. HORNING

Filed: June 22, 2006

Docket No.: 128486

For: METHOD FOR DETECTING PRP USING AT LEAST ONE POSITIVE CHARGE
AND/OR AT LEAST ONE GLYCOSIDIC BOND AND A LIGAND OTHER THAN A
PROTEIN LIGAND

REQUEST FOR RECONSIDERATION AFTER FINAL REJECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the February 2, 2009 Office Action, reconsideration of the rejections is respectfully requested in light of the following remarks.

I. Obviousness-Type Double Patenting Rejections

A. U.S. Patent No. 7,217,530

The Office Action rejects claims 18–24 under the judicially created doctrine of obviousness-type double patenting over claims 7 and 9 of U.S. Patent No. 7,217,530 in view of Koga and Kiesewetter; and rejects claims 18–24, 28, and 29 under the judicially created doctrine of obviousness-type double patenting over claims 7 and 9 of U.S. Patent No. 7,217,530 in view of copending Application No. 11/151,066 and Kiesewetter.

Without admitting to the propriety of the rejection, and in the interest of advancing prosecution, Applicants are simultaneously filing herewith a Terminal Disclaimer over U.S. Patent No. 7,217,530, thus obviating the rejections. Thus, reconsideration and withdrawal of the rejection are respectfully requested.

B. Copending Application Nos. 11/701,334 and 11/151,066

The Office Action provisionally rejects claims 18 and 25–27 under the judicially created doctrine of obviousness-type double patenting over claims 10–14 of copending Application No. 11/701,334 in view of copending Application No. 11/151,066.

Because the Terminal Disclaimer over U.S. Patent No. 7,217,530 filed herewith overcomes the other two rejections, this provisional double patenting rejection is the only rejection remaining. Thus, because this application has an earlier filing date than the two cited copending Applications, Applicants respectfully request that this provisional rejection be withdrawn, and the application be allowed to issue. *See* MPEP §804(I)(B)(1).

II. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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WPB:JRB

Attachment:

Terminal Disclaimer

Date: April 23, 2009

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